

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A., Plaintiffs, v. CHIEF ARCHITECT, INC., Defendant.	§ § § § § § § § § § §	Civil Action No. 6:15-cv-1003 PATENT CASE JURY TRIAL DEMANDED
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ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc., and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, Chief Architect, Inc. (“Chief Architect”), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc also maintains a placed of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc has researched, developed, manufactured and licensed information security technology solutions, platforms and frameworks, including solutions for securing software applications and digital content. Uniloc Luxembourg has been awarded and owns a number of patents. Uniloc’s technologies enable, for example, software and content publishers

to distribute and sell their valuable technologies securely and with a minimum burden to their legitimate and authorized end users. Uniloc's technologies are used in several markets, including property rights management and critical infrastructure security.

4. Upon information and belief, Chief Architect is an Idaho corporation having a principal place of business at 6500 N. Mineral Drive, Coeur d'Alene, Idaho 83815 and does business in Texas and the judicial Eastern District of Texas. Chief Architect may be served with process through its registered agent, Greg Wells, 6500 N. Mineral Drive, No. 105, Coeur d'Alene, Idaho 83815.

JURISDICTION AND VENUE

5. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Chief Architect is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Austin and Seguin, Texas and/or has a regular and established place of business in this judicial district.

7. Chief Architect is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, and (B) regularly doing or soliciting business, engaging in persistent conduct and/or deriving substantial revenue

from goods and services provided to customers in Texas including Seguin High School and Steven L. Scarborough.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 7,024,696)

8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,024,696 (“the ‘696 Patent”), entitled METHOD AND SYSTEM FOR PREVENTION OF PIRACY OF A GIVEN SOFTWARE APPLICATION VIA A COMMUNICATIONS NETWORK that issued on April 4, 2006. A true and correct copy of the ‘696 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the ‘696 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

11. Upon information and belief, the following describes, at least in part, the End User License Agreement for Chief Architect’s Home Designer 2014/2015 products:

1. GRANT OF LICENSE TO USE SOFTWARE: Chief Architect, Inc. grants you a non-exclusive, non-transferable (except as provided below) license ("License") to use the Software in object code only (and specifically not in source code) subject to the following terms and conditions:

(a)Software: Unless otherwise agreed to in writing, Chief Architect, Inc. grants you the right to use one copy of the Software on only one computer at one location at any one time;

(b)Storage/Network Use: You may store or install the Software on a network server or other storage device only to install and run the Software on an internal network. You must, however, purchase and dedicate a separate license of the Software for each computer and each concurrent user of the Software installed or accessed from a network server or other storage device. A single license for the Software may not be shared or used concurrently on different computers;

12. Upon information and belief, the following describes, at least in part, the System Requirements for Chief Architect’s Home Designer 2014/2015 products:

System Requirements

In order to install and run Home Designer Essentials, your computer system must meet the following minimum requirements:

- 32- or 64-bit Windows® 8, 7, or Vista; 32-bit Windows® XP
- 2.4 GHz processor
- 2 GB of memory
- 5 GB of available hard disk space
- 256 MB of dedicated on-board video memory, OpenGL 2.1 or higher
- Monitor resolution: 1024 x 768
- High speed Internet for registration, video access, content downloads
- DVD drive (if software purchased on DVD)

For more information about system recommendations, visit our Web site at www.HomeDesignerSoftware.com.

13. Upon information and belief, the following describes, at least in part, the installation of Chief Architect's Home Designer 2014/2015 and older products:

Installing on Multiple Computers in Home Designer 2014 and older

A license of Home Designer Architectural, Home Designer Landscape & Deck, Home Designer Interiors, Home Designer Suite, or Home Designer Essentials 2014 and prior is a license for use by a single named user. You may, however, install your license on up to three computers for use only by you. Multiple installations must not be used by more than one person. For further information, please refer to the software License Agreement.

If you will no longer be using Home Designer on a computer, make sure that you uninstall the software while an active internet connection is available to release the activation.

14. Upon information and belief, the following describes, at least in part, the registration process for Chief Architect's Home Designer 2014/2015 products:

The screenshot shows a software registration window titled "Home Designer Secure Registration Wizard". The current step is "Enter Product Key". The text inside the window explains that the Product Key is used to uniquely identify the copy of Home Designer and can be found on the DVD case or in the account information from the download. Below this text is a single-line text input field. At the bottom of the window, there are four buttons: "< Back", "Next >", "Cancel", and "Help". A mouse cursor is hovering over the "Next >" button.

Home Designer Secure Registration Wizard

Enter Product Key

The Product Key is used to uniquely identify your copy of Home Designer. Your Product Key can be found in or on your DVD case or in the account information from your download.

Please enter the Product Key that came with your program. This key must be entered correctly in order to continue.
Example: 23456-789AB-CDEFG-HJKLM

< Back Next > Cancel Help

15. Upon information and belief, the following describes, at least in part, the registration process for Chief Architect's Home Designer 2014/2015 products:

The screenshot shows the same software registration window, but at the "User Information" step. The text explains that this information is used to identify the registered user and that asterisks indicate required items. Below this is a section titled "Please enter the following information." which contains four input fields: "Name: *" with the value "Ulbahar", "Company Name:", "Phone Number:", and "E-mail Address: *" with the value "ulbahar2@gmail.com". At the bottom, there is a note stating that the information is only used for authentication and notification of updates, and that Chief Architect, Inc. does not sell or otherwise distribute user contact information. The same four buttons ("< Back", "Next >", "Cancel", "Help") are at the bottom, with the mouse cursor now hovering over the "Next >" button.

Home Designer Secure Registration Wizard

User Information

This information is used to identify you as the registered user of this product.
* indicates required items.

Please enter the following information.

Name: * Ulbahar

Company Name:

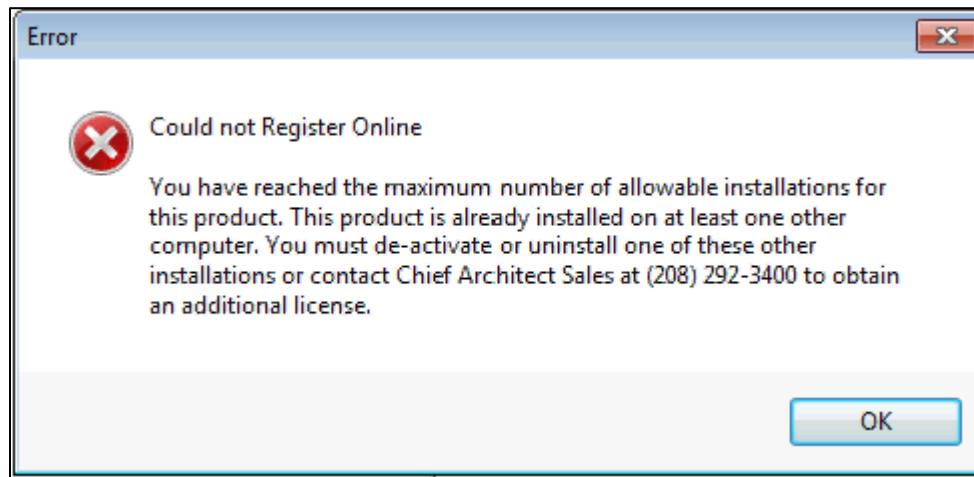
Phone Number:

E-mail Address: * ulbahar2@gmail.com

Note: This information is only used to authenticate your right to use this product and to notify you of free updates and important information.
Chief Architect, Inc. does not sell or otherwise distribute user contact information.

< Back Next > Cancel Help

16. Upon information and belief, the following describes, at least in part, the registration process for Chief Architect's Home Designer 2014/2015 products:



17. Chief Architect has directly infringed one or more claims of the '696 Patent in this judicial district and elsewhere in Texas, including at least claim 1, either literally or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling software that implements piracy prevention technology including, without limitation, as Home Designer Essentials.

18. Chief Architect may have infringed the '696 Patent through other software utilizing the same or reasonably similar activation functionality, including other versions of the Home Designer Essentials software. Uniloc reserves the right to discover and pursue all such additional infringing software. For the avoidance of doubt, the Home Designer Essentials 2014 and 2015 software is identified for exemplary purposes and in no way limits the discovery and infringement allegations against Chief Architect concerning other software that incorporated the same or reasonably similar activation functionality.

19. Uniloc has been damaged, reparably and irreparably, by Chief Architect's infringement of the '696 Patent and such damage will continue unless and until Chief Architect is enjoined.

20. Uniloc has entered into a Patent License, Release and Settlement Agreement with Flexera Software LLC (“Flexera”). Uniloc is not alleging infringement of the ‘696 Patent based on any product, software, system, method or service provided by Flexera Software LLC or any Flexera Predecessor (“Flexera Products”). For the purposes of this action, a Flexera Predecessor is any predecessor business owned or controlled by Flexera, including, but not limited to, C-Dilla Limited, GLOBEtrotter Software, Inc., InstallShield Software Corporation, Flexera Holding LLC, Flex co Holding Company, Inc., Flexera Software Inc., Acreso Software Inc., Intraware, Inc., Managesoft Corporation, HONICO Software GmbH, LinkRight Software L.L.C., and Logiknet, Inc. (d/b/a SCCM Expert) and only to the extent of, and limited to, the specific business, technologies and products acquired by Flexera from each of them, and Macrovision Corporation (renamed Rovi Solutions Corporation in July 2009) only to the extent of, and limited to, the specific business, technologies and products acquired by Flexera Holdings Company, Inc. in April 2008 (renamed Acreso Software Inc.), which later changed its name in October 2009 to Flexera Software LLC. For purposes of this action, Flexera Products do not include any third party products or services that provide activation, entitlement, licensing, usage monitoring and management, auditing, or registration functionality or third party products and services that are activated, licensed or registered exclusively and independently of products, software, systems, methods or services provided by Flexera or Flexera Predecessors. All allegations of past infringement against defendant(s) herein are made exclusively and independently of the authorized use of Flexera Products.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Chief Architect as follows:

(A) that Chief Architect has infringed the ‘696 Patent;

(B) awarding Uniloc its damages suffered as a result of Chief Architect's infringement of the '696 Patent pursuant to 35 U.S.C. § 284;

(C) enjoining Chief Architect, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '696 Patent pursuant to 35 U.S.C. § 283;

(D) awarding Uniloc its costs, attorneys' fees, expenses and interest, and

(E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: November 20, 2015.

Respectfully submitted,

By: /s/ Craig Tadlock
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Texas State Bar No. 00791766
Keith Smiley
Texas State Bar No. 24067869
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ATTORNEYS FOR THE PLAINTIFFS